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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**THE LIONS CLUB OF ALBANY,
CALIFORNIA, A Nonprofit Corporation,**

Plaintiff,

v.

**THE CITY OF ALBANY, a Charter City; and
DOES 1 through 25;**

Defendants.

Case No. 3:22-CV-5377 WHA
Related to 3:17-CV-05236 WHA

**[PROPOSED] ORDER DESOLVING
STAY OF PROCEEDINGS,
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
A PRELIMINARY INJUNCTION
SHOULD NOT ISSUE**

The Court has considered Plaintiff the Lions Club of Albany, California's *Ex Parte* Application for Relief from Stay and a Temporary Restraining Order and an Order to Show Cause Why a Preliminary Injunction Should Not Issue, and the Declarations, Exhibits and Memorandum in Support thereof.

IT IS HEREBY ORDERED:

1. That the stay of these proceedings issued November 17, 2022, is desolved;
2. That pending time to allow a full hearing for determination of the Order to Show Cause Why a Preliminary Injunction Should Not Issue, Defendant, the City of Albany and its

agents, servants, employees, and all person acting in concert or participation with them from taking, removing, moving, deconstructing, disassembling or otherwise injuring the Cross on Albany Hill.

3. This Temporary Restraining Order was issued on _____ at _____ a.m./p.m. Plaintiff will suffer irreparable harm because the Cross on Albany Hill will be removed from the Plaintiff's property easement prior to any trial depriving Plaintiff of the daily exhibition and use of the Cross and significant religious holiday use of the Cross during the pendency of this action resulting in the violation of the Plaintiffs First Amendment rights to Free Exercise of Religion and Free Speech.

4. Defendant's attorney, Scott W. Ditfurth was notified on February 27, 2022 by telephone that Plaintiff would be seeking this Preliminary Injunction.

5. This Preliminary Injunction shall expire on _____ unless extended by the Court or unless Defendant consents to a longer extension and the reasons for the extension are entered in the record.

6. The Plaintiff is ordered to serve this Temporary Restraining Order and all supporting pleadings and papers on the adverse party by _____.

IT IS FURTHER ORDERED that the parties shall appear at _____ a.m./p.m. on _____, 2023 before the Honorable William Alsup, in Courtroom 12, 19th Floor, Located at 450 Golden Gate Avenue, San Francisco, California for a hearing to show cause why Defendant City of Albany and all of its agents, servants, employees, and all person acting in concert or participation with them, should not be preliminarily enjoined from taking, removing, moving, deconstructing, disassembling or otherwise injuring the Cross on Albany Hill.

IT IS SO ORDERED

DATED: _____, 2023

The Honorable William Alsup
United States District Judge